

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**CHRISTOPHER M. STONE,**

**Petitioner,**

**vs.**

**Case No.: 2:18-cv-1408  
JUDGE GEORGE C. SMITH  
Magistrate Judge Deavers**

**STATE OF OHIO,**

**Respondent.**

**ORDER**

On December 3, 2018, the United States Magistrate Judge issued an *Order and Initial Screen Report and Recommendation*, which was resissued on December 21, 2018 as a *Nunc Pro Tunc Order and Initial Screen Report and Recommendation*<sup>1</sup> (See Docs. 4 and 7). The above recommended that Petitioner's Motion for Leave to Proceed in forma Pauperis be granted and that Petitioner's claims be dismissed. The parties were advised of their right to object to the *Order and Initial Screen Report and Recommendation*. This matter is now before the Court on Petitioner's Objections to the *Order and Initial Screen Report and Recommendation and Order*. (See Doc. 8). The Court will consider the matter *de novo*. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

In Petitioner's objections, he continues to present the same arguments made in his initial petition. Petitioner initiated this mandamus action pursuant to the All Writs Act, 28 U.S.C. §1641, seeking the release of police reports, statements, evidence, etc. The Court has carefully

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<sup>1</sup> The *Nunc Pro Tunc* Order corrected a clerical error in the original order by changing the filing fee from \$400 to \$350.

considered Petitioner's arguments and his objections; however, the Court agrees with the reasoning set forth by the Magistrate Judge in her Order. This Court lacks authority to issue writs of mandamus to direct state courts, state judicial officers, or other state officials to perform their duties under state law. Accordingly, this Court lacks subject matter jurisdiction to issue a writ of mandamus to the state court in this action.

Therefore, for the reasons stated in detail in the *Nunc Pro Tunc Order and Initial Screen Report and Recommendation*, this Court finds that Petitioner's objections are without merit and are hereby **OVERRULED**.

The *Nunc Pro Tunc Order and Report and Recommendation*, Document 7, is **ADOPTED** and **AFFIRMED**. Petitioner's Motion for Leave to Proceed in forma Pauperis is **GRANTED**. Petitioner's Petition is hereby **DISMISSED**. Further, Petitioner is denied leave to appeal in forma pauperis as any appeal of this Order would not be made in good faith.

The Clerk shall remove Documents 4, 7, and 8 from the Court's pending motions list. The Clerk shall close this case.

**IT IS SO ORDERED.**

/s/ George C. Smith  
**GEORGE C. SMITH, JUDGE**  
**UNITED STATES DISTRICT COURT**